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1 MEETING OF SENATE

The Senate met at 2 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

APEC—Australia's individual action plan 2002.

Australasian Police Ministers' Council—Administration and activities of the National Common Police Services—Report for 2000-01.

Australian Government Solicitor—Statement of corporate intent 2002-03.

Productivity Commission—Report—No. 21—Independent review of the Job Network, 3 June 2002.

United Nations—

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee Against Torture—

Communications—

No. 154/2000—Views.

No. 162/2000—Decisions.

Complaint—

No. 177/2001—Decision.

International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 802/1998—Views.

No. 880/1999—Decision.

No. 1080/2002—Outline.

3 QUESTIONS

Questions without notice were answered.

4 ANSWERS TO QUESTIONS

Senator George Campbell moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

5 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—ANSWER TO QUESTION

Senator Bartlett moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Bartlett today relating to parliamentary debate on any involvement by Australia in military action against Iraq.

Question put and passed.

6 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

The President informed the Senate that he had received a letter requesting a change in the membership of a committee.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That Senator Eggleston replace Senator Heffernan on the Community Affairs Legislation Committee for the committee's inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 on 24 September and 26 September 2002.

Question put and passed.

7 DEATH OF FORMER SENATOR GEORGE GEORGES

The President informed the Senate of the death, on 23 September 2002, of former Senator George Georges, a senator for the state of Queensland from 1968 to 1987.

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate records its deep regret at the death, on 23 September 2002, of George Georges, former senator for Queensland, and places on record its appreciation of his meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

8 PETITION

The following petition, lodged with the Clerk by Senator Forshaw, was received:

From 544 petitioners, requesting that the Senate take action to facilitate a debate at the United Nations to declare that suicide bombing is a crime against humanity.

9 NOTICES

The Chair of the Select Committee on a Certain Maritime Incident (Senator Cook): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on a Certain Maritime Incident be extended to 23 October 2002. (*general business notice of motion no. 181*)

The Chair of the Legal and Constitutional References Committee (Senator Bolkus): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional References Committee on the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues be extended to 14 October 2002. (*general business notice of motion no. 182*)

Senator Bartlett: To move on the next day of sitting—That there be laid on the table no later than 4 pm on 24 October 2002:

- (a) any application to clear granite from the Nelly Bay Harbour project site by methods other than those approved through the 1995-1998 environmental impact statement process;
- (b) any documents outlining problems and responses to problems in relation to clearing the inner harbour and access channel of the Nelly Bay Harbour project;
- (c) the weekly site supervisor reports for the Nelly Bay Harbour project;

- (d) any applications by Nelly Bay Harbour Pty Ltd (or anyone else) for permission to attach pontoons to residential land bordering the Great Barrier Reef Marine Park;
- (e) any documents relating to the Great Barrier Reef Marine Park Authority's position in relation to private moorings inside the Great Barrier Reef Marine Park in relation to the Nelly Bay Harbour project;
- (f) the results of the Nelly Bay Harbour monitoring programs (summaries only);
- (g) any reported breaches of the Deed of Agreement of the joint Great Barrier Reef Marine Park Authority/Queensland Park and Wildlife Service permit; investigations and outcomes of investigations of those breaches;
- (h) any documents in relation to funding or financial problems associated with the Nelly Bay Harbour project; and
- (i) any documents evidencing actions on site that the Great Barrier Reef Marine Park Authority stopped, prevented or changed. (*general business notice of motion no. 183*)

Senator Stott Despoja: To move on the next day of sitting—That the Senate—

(a) notes:

- (i) the commitment of the Government and Mr John Loy, Chief Executive Officer (CEO) of Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), to a demonstrated store for radioactive waste by 2005,
- (ii) the commitment of the Government and Mr Loy to a second spent fuel reprocessing pathway for spent fuel from the Lucas Heights reactor,
- (iii) the commitment in the Lucas Heights environmental impact statement (EIS), EIS supplementary report and EIS assessment report to a radioactive waste store by 2005,
- (iv) the ARPANSA site licence assessment regarding a potential operating licence at Lucas Heights that, 'A license to operate would not be issued by ARPANSA without there being clear and definite means available for the ultimate disposal of radioactive waste and spent nuclear fuel',
- (v) that the recent comments by Mr Loy on the Australian Broadcasting Corporation's *PM* program indicating that the 'new' deadline for a store is now 2025 and that provision for second country reprocessing is no longer required are in direct contradiction to previous commitments, and
- (vi) that it recently passed a second reading amendment that:
 - (A) noted the view of the CEO of ARPANSA that arrangements for taking the spent fuel and turning it into a reasonable waste form need to be absolutely clear before the new reactor at Lucas Heights commences operation, and there needs to be clear progress on siting a store for the waste that returns to Australia, and
 - (B) expressed its opinion that until all matters relating to safety, storage and transportation of nuclear materials associated with the new reactor at Lucas Heights are resolved, no operating licence related to the new reactor at Lucas Heights should be issued by ARPANSA; and

- (b) calls on the CEO of ARPANSA to:
- (i) reaffirm commitments made to the Australian people as part of the EIS process, and
 - (ii) act in conformity with the Senate's second reading amendment. (*general business notice of motion no. 184*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to broadcasting, and for related purposes. **Broadcasting Legislation Amendment Bill (No. 1) 2002.**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *National Gallery Act 1975*, and for related purposes. **National Gallery Amendment Bill 2002.**

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 14 October 2002, from 5 pm, to take evidence for the committee's inquiry into the New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Bill 2002. (*general business notice of motion no. 185*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Excise Tariff Amendment Bill (No. 1) 2002 and a related bill be extended to 22 October 2002. (*general business notice of motion no. 186*)

Senator O'Brien: To move on 26 September 2002—That the Civil Aviation Amendment Regulations 2002 (No. 2), as contained in Statutory Rules 2002 No. 167 and made under the *Civil Aviation Act 1988*, be disallowed.

Senator Lees: To move on the next day of sitting—That the Senate—

- (a) notes that maternity services in Australia deny the majority of women a choice in how they are supported during pregnancy and birth;
- (b) recognises that fewer than 1 per cent of women can currently access one-to-one primary care from midwives;
- (c) notes that international research has shown that in industrialised countries only 15 per cent to 20 per cent of women need obstetric intervention in order to achieve a good outcome, while in Australia there is at least one medical intervention in 80 per cent of births; and
- (d) supports the National Maternity Action Plan launched on 24 September 2002 by the Maternity Coalition. (*general business notice of motion no. 187*)

The Minister for Revenue and Assistant Treasurer (Senator Coonan): To move on the next day of sitting—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002

Dairy Industry Legislation Amendment Bill 2002.

Documents: Senator Coonan tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of certain bills in the 2002 spring sittings.

Senator Bartlett: To move on the next day of sitting—That the Senate—

- (a) notes repeated calls for a full parliamentary debate and vote on any decision by the Australian Government to commit Australian military personnel or facilities to a war against Iraq, particularly if any such commitment is proposed in relation to military action which has not been endorsed by the United Nations; and
- (b) calls on the Government to ensure that a full parliamentary debate and vote on any such proposal occurs prior to the commitment of Australian military personnel or facilities. (*general business notice of motion no. 188*)

Senator Bartlett: To move on the next day of sitting—That the Senate calls on the leaders of all parliamentary political parties to ensure that any parliamentary vote on motions concerning Australian involvement in, or support for, military action against Iraq is a conscience vote. (*general business notice of motion no. 189*)

10 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 178 standing in the name of Senator Allison for today, relating to proposed military action against Iraq, postponed till 25 September 2002.

11 CONSIDERATION OF LEGISLATION

The Minister for Revenue and Assistant Treasurer (Senator Coonan), at the request of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the ACIS Administration Amendment Bill 2002, allowing it to be considered during this period of sittings.

Question put and passed.

12 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Lightfoot, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 177—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold

a public meeting during the sitting of the Senate on Thursday, 26 September 2002, from 11.45 am to 1 pm, to take evidence for the committee's inquiry into aspects of the 2000-01 annual report of the Human Rights and Equal Opportunity Commission relating to conditions at immigration detention centres and the treatment of detainees.

Question put and passed.

13 ENVIRONMENT—GIPPSLAND—POWERLINES

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 161—That the Senate calls on the Government to reconsider its approval of Basslink to ensure that the cable is placed underground in Gippsland instead of using pylons and overhead powerlines.

Question put.

The Senate divided—

AYES, 9

Senators—

Allison (Teller)	Greig	Murray	Ridgeway
Bartlett	Lees	Nettle	Stott Despoja
Brown			

NOES, 35

Senators—

Bishop	Denman	Lundy	Scullion
Brandis	Ferris	Macdonald, Sandy	Sherry
Buckland	Forshaw	Mackay	Stephens
Campbell, George	Hogg	Marshall	Tchen
Carr	Johnston	Moore	Tierney
Colbeck	Kemp	O'Brien	Watson
Cook	Kirk	Patterson	Webber
Coonan	Lightfoot	Ray	Wong
Crossin (Teller)	Ludwig	Reid	

Question negated.

14 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 176—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on urban water management be extended to 24 October 2002.

Question put and passed.

15 FOREIGN AFFAIRS—ZIMBABWE—COMMONWEALTH LEADERS' MEETING

Senator Allison, at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 162—That the Senate—

- (a) notes that:
 - (i) the second Commonwealth leaders' troika on Zimbabwe will meet in Nigeria on 23 September 2002,
 - (ii) there has been a worsening of conditions for millions of Zimbabweans since the troika first met 6 months ago to discuss steps to restore democracy in Zimbabwe, and
 - (iii) the Prime Minister (Mr Howard), as Chairman of the Commonwealth leaders' troika on Zimbabwe, has acknowledged it is a matter for regret that little substantive progress has been made in implementing the troika's steps to restore democracy in Zimbabwe; and
- (b) urges the Prime Minister, as Chairman of the Commonwealth leaders' troika, to use his influence to expel Zimbabwe from the Commonwealth and impose targeted sanctions on Zimbabwe, including an arms embargo, a travel ban to any Commonwealth countries for President Mugabe and his close associates, and a freeze on any assets he or his associates hold in Commonwealth countries.

Question put and negatived.

16 FOREIGN AFFAIRS—UNITED NATIONS INTERNATIONAL DAY OF PEACE

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 179—That the Senate—

- (a) notes that:
 - (i) in September 2001, the United Nations (UN) General Assembly unanimously adopted Resolution 55/282, establishing the United Nations International Day of Peace as an annual day of global cease-fire and non-violence, now fixed in the calendar as 21 September from 2002,
 - (ii) the UN General Assembly has invited the people of the world to honour and celebrate the day on 21 September, with the vision of the day extending far beyond the cessation of violent conflict and representing an opportunity for the people of the world to create a moment of global unity, and
 - (iii) individuals, governments, regional and non-government organisations, educational establishments and religious/spiritual organisations all over the world, including Australia, have responded to the invitation from the UN General Assembly, by organising events and actions designed to improve public awareness and strengthen the ideals of peace both within and amongst all nations and peoples;
- (b) congratulates Mr Jeremy Gilley and all those individuals and organisations whose voluntary efforts and vision have driven the initiative to establish and observe the United Nations International Day of Peace as a day of global cease-fire and non-violence; and
- (c) welcomes the international observance of the International Day of Peace as an important means of strengthening the ideals of peace and alleviating the tensions and causes of conflict that exist around the world.

Question put and passed.

17 ENVIRONMENT—NEW SOUTH WALES—PROPOSED CHARCOAL PLANT

Statements by leave: Senators O'Brien and Nettle, by leave, made statements relating to general business notice of motion no. 180, standing in the name of Senator Nettle for today, relating to a proposed charcoal plant in Mogo, New South Wales.

Leave refused: Senator Nettle sought leave to amend the motion.

An objection was raised and leave was not granted.

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 180—That the Senate—

- (a) notes the demonstration of 4 000 people on the weekend of 21 and 22 September 2002 to protest against the development of the proposed charcoal plant in Mogo, near Batemans Bay, New South Wales; and
- (b) expresses its objection to this polluting and unsustainable development, which is based on massive new logging operations that will adversely impact upon the local environment, and the local community's lifestyle and economic security.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison (Teller)	Brown	Lees	Nettle
Bartlett	Greig	Murray	Ridgeway

NOES, 34

Senators—

Brandis	Ferris (Teller)	Mackay	Sherry
Buckland	Forshaw	Marshall	Stephens
Campbell, George	Hogg	Moore	Tchen
Carr	Johnston	O'Brien	Tierney
Colbeck	Kemp	Patterson	Watson
Coonan	Kirk	Payne	Webber
Crossin	Lightfoot	Ray	Wong
Denman	Ludwig	Reid	
Ferguson	Macdonald, Sandy	Scullion	

Question negatived.

18 AUSTRALIA'S DEVELOPMENT COOPERATION PROGRAM—MINISTERIAL STATEMENT—DOCUMENTS

The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled the following documents:

Australian aid: Investing in growth, stability and prosperity—Eleventh annual statement to Parliament on Australia's development cooperation program—

Ministerial statement by the Minister for Foreign Affairs (Mr Downer), dated September 2002.

Statement by the Minister for Foreign Affairs (Mr Downer), dated September 2002.

Statements by leave: Senators Sandy Macdonald and Ridgeway, by leave, made statements relating to the documents.

Senator Nettle, by leave, moved—That the Senate take note of the documents.

Debate adjourned till the next day of sitting, Senator Nettle in continuation.

**19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
INTERIM REPORT—THE AUSTRALIAN MEAT INDUSTRY CONSULTATIVE STRUCTURE
AND QUOTA ALLOCATION**

The Deputy Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Buckland) tabled the following report:

Rural and Regional Affairs and Transport Legislation Committee—The Australian meat industry consultative structure and quota allocation—Interim report: Allocation of the US beef quota, dated September 2002.

Report ordered to be printed on the motion of Senator Buckland.

Senator Buckland, by leave, moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.

**20 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—
LOSS OF HMAS SYDNEY—STATEMENT BY LEAVE**

Senator Sandy Macdonald, by leave and on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, made a statement relating to the report of the committee on the loss of the HMAS *Sydney*, tabled on 22 March 1999.

21 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Export of Cattle) Amendment Orders 2002 (No. 1).

Defence Act—Determinations under section 58H—Defence Force Remuneration Tribunal—Determinations Nos 11-13 of 2002.

National Health Act—Determinations under Schedule 1—HSR 22/2002 and HSR 24/2002.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 6/02 [2 dispensations].

**22 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF
DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001:

Departmental and agency contracts—Letters of advice—2002 spring sittings—Agriculture, Fisheries and Forestry portfolio agencies—Dairy Adjustment Authority and Department of Agriculture, Fisheries and Forestry.

23 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2002—Statements of compliance—Agriculture, Fisheries and Forestry portfolio.

24 CUSTOMS LEGISLATION AMENDMENT BILL (NO. 1) 2002

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 147, dated 23 September 2002—Customs Legislation Amendment Bill (No. 1) 2002.

25 MEMBERS OF PARLIAMENT (LIFE GOLD PASS) BILL 2002

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 148, dated 23 September 2002—A Bill for an Act about Life Gold Passes, and for other purposes.

The Minister for Justice and Customs (Senator Ellison) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ellison moved—That this bill be now read a second time.

On the motion of Senator Crossin the debate was adjourned till the next day of sitting.

**26 WORKPLACE RELATIONS AMENDMENT (GENUINE BARGAINING) BILL 2002
WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION)
BILL 2002**

Order of the day read for the adjourned debate on the motions of the Minister for Revenue and Assistant Treasurer (Senator Coonan) and the Minister for Justice and Customs (Senator Ellison)—That these bills be now read a second time—*and on the amendment moved by Senator Sherry in respect of the Workplace Relations Amendment (Genuine Bargaining) Bill 2002:*

At the end of the motion, add “but the Senate condemns the Government for:

- (a) unreasonably emasculating the powers of the Australian Industrial Relations Commission to resolve industrial disputes in the interests of the parties;
- (b) interfering with the commission’s discretion to deal with industrial disputes in the most appropriate way; and
- (c) failing to put forward constructive proposals to enable the commission to direct parties to bargain in good faith”.

Debate resumed.

At 6.50 pm: Debate was interrupted.

27 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

Productivity Commission—Report—No. 21—Independent review of the Job Network, 3 June 2002—Motion to take note of document moved by Senator Stephens, debated and agreed to.

Australian Government Solicitor—Statement of corporate intent 2002-03. Motion to take note of document moved by Senator Mackay. Debate adjourned till Thursday at general business, Senator Ray in continuation.

United Nations—

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee Against Torture—Documents.

International Covenant on Civil and Political Rights—Human Rights Committee—Communications—Documents.

Motion to take note of documents moved by Senator Bartlett and agreed to.

28 ADJOURNMENT

The Acting Deputy President (Senator Brandis) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 8.25 pm till Wednesday, 25 September 2002 at 9.30 am.

29 ATTENDANCE

Present, all senators except Senators Chapman*, Cherry, Heffernan* and Murphy (* on leave).

HARRY EVANS
Clerk of the Senate